

#554
1 BILL NO. G-94-0205

2 GENERAL ORDINANCE NO. G- 18-94

3 AN ORDINANCE amending the Thoroughfare
4 Plan of the City Comprehensive ("Master")
5 Plan by vacating an alley thereof.

6 WHEREAS, a petition to vacate an alley within the City of
7 Fort Wayne (as more specifically described below) was duly
8 filed with the City Planning Commission; and

9 WHEREAS, said Commission duly held a public hearing
10 thereon; and

11 WHEREAS, said Commission has duly forwarded its
12 recommendation to this body approving said petition, all in
13 accordance with I.C. 36-7-4-512(2) and this body having held
14 a public hearing on said vacation as provided in I.C. 36-7-4-
15 12; and

16 WHEREAS, this body concurs in the recommendation of the
17 City Planning Commission.

18 NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF
19 THE CITY OF FORT WAYNE, INDIANA:

20 SECTION 1. That the petition filed herein to vacate an
21 alley within the City of Fort Wayne, more specifically
22 described as follows, to-wit:

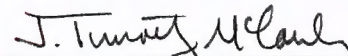
23 The ten (10) foot wide alley running east and west lying
24 south of Lots #25, 26, 27, 28 and 29 in Spencer's
25 Addition, an Addition to the City of Fort Wayne, IN, and
lying north of Lots #15, 16, 17 and 18 in Brackenridge
Addition, an Addition to the City of Fort Wayne, IN, runs
between Webster Street and McClellan Street.

26 and which vacating amends the Thoroughfare Plan of the City
27 Comprehensive ("Master") Plan and is hereby approved in all
28 respects.

29 SECTION 2. That this Ordinance shall be in full force
30 and effect from and after its passage, any and all necessary
31 approval by the Mayor.

32 
COUNCILMEMBER

APPROVED AS TO FORM AND LEGALITY:


J. TIMOTHY MCCAULEY, CITY ATTORNEY

#557

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** Public hearing to be held on _____,
the _____ day of _____, 1994,
in the Council Chambers.

Sandra E. Kennedy, City Clerk

Read the first time in full and on motion by Parrie,
and duly adopted, read the second time by title and referred to the
Committee on Regulations (and the City Plan Commission
for recommendation) and Public Hearing to be held after due legal notice, at
the Common Council Council Conference Room 128, City-County Building, Fort
Wayne, Indiana, on _____, 19____, the _____ day of _____
_____, M., E.S.T.

DATED: 2-8-94

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Parrie,
and duly adopted, placed on its passage. PASSED LOST
by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT
TOTAL VOTES	<u>6</u>		<u>1</u>	<u>2</u>
BRADBURY	<u>✓</u>			
EDMONDS	<u>✓</u>			
GIAQUINTA	<u>✓</u>			
HENRY				<u>✓</u>
LONG				<u>✓</u>
LUNSEY	<u>✓</u>			
RAVINE			<u>✓</u>	
SCHMIDT	<u>✓</u>			
TALARICO	<u>✓</u>			

DATED: 9-27-94

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne,

Indiana, as (ANNEXATION) _____ (APPROPRIATION) _____ (GENERAL) _____
(SPECIAL) _____ (ZONING) _____ ORDINANCE _____ RESOLUTION NO. 9-18-94
on the 27th day of September, 1994

ATTEST:

(SEAL)

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Archie Lunsney
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on
the 28th day of September, 1994,
at the hour of 11:30 o'clock P, M., E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 28th day of September,
1994, at the hour of 4:30 o'clock P M., E.S.T.

Paul Helmke
PAUL HELMKE, MAYOR

RECEIPT

No 14913

COMMUNITY & ECONOMIC DEVELOPMENT

FT. WAYNE, IN. Mar. 9 1994

RECEIVED FROM ES, INC. FORT WAYNE \$ 350.00

THE SUM OF Three Hundred and No ¹⁰⁰ DOLLARS

ON ACCOUNT OF REPAIRS TO

1100 E. 10th St. Ft. Wayne

PAID BY: CASH ☐ CHECK ☒ M.O. ☐

AUTHORIZED SIGNATURE

Date Filed: January 19, 1994

Vacation Petition

I/We Lincoln National Life Insurance Company
(Applicant's Name or Names)

PETITION TO VACATE Alley
(Street, Alley, Utility Easement, Plat,
Other)

TO: THE CITY PLAN COMMISSION
CITY OF FORT WAYNE, INDIANA

The undersigned petitioner(s), do (does) hereby respectfully
petition the Fort Wayne City Plan Commission to vacate the
following Alley with the City of Fort
Wayne, Indiana, and hereby described as follows:

The ten (10) foot wide alley running east and west lying south of lots #25, 26
27, 28 and 29 in Spencer's Addition, an Addition to the City of Fort Wayne, IN
and lying north of Lots #15, 16, 17, and 18 in Brackenridge Addition, an Addition
to the City of Fort Wayne, IN, runs between Webster Street & McClellan Street.
(Legal Description of property being vacated) If additional
space is needed use reverse side.)

In support thereof, your petitioner(s) would represent as
follows:

(List reasons for requesting vacation.)

1. Lincoln Life owns both properties adjacent to the alley.
2. The alley is not required as ingress or egress to any other properties.
3. No other person, firm or corporation is affected by the requested vacation.
4. Lincoln Life proposes a Day Care Facility for the sites adjacent which
improves these properties.

(If additional space is needed use reverse side.)

Your petitioner(s) file this petition pursuant to the authority
granted in Indiana Code, and provisions of local ordinance, in
order to complete the vacation as described.

WHEREFORE, your petitioner(s) pray that the above described
Alley be vacated according to the provisions
of the Indiana Law pertaining thereto.

DATED THIS 19th DAY OF January 1994

Lincoln National Life
Insurance Company

Adjacent Property Owner
Typed Name

1300 S. Clinton St.
Fort Wayne, IN 46802

Address Zip

Signature

John Campbell
John Campbell
AVP-DIR Facilities

Lincoln National Life
Insurance Company

Adjacent Property Owner
Typed Name

1300 S. Clinton St.
Fort Wayne, IN 46802

Address Zip

Signature

John Campbell
John Campbell
AVP-DIR Facilities

Legal Description of Property:

Lots #25, 26, 27, 28 and 29 in Spencer's Addition, an Addition to the City of
Fort Wayne, Indiana as recorded in Deed Book "X", page 210 in the Office of the
Recorder of Allen County; together with Lots #15, 16, 17 and 18 in Brackenridges
Addition, an Addition to the City of Fort Wayne, Indiana as recorded in Deed Book
28, page 93, in the Office of the Recorder of Allen County; together with the

Additional Reasons for Vacation Request:

10 foot wide east-west alley lying between the above described lots from Webster
Street to McClellan Street in the City of Fort Wayne.

Owners of Adjacent Property:

Lincoln National Life . 1300 S. Clinton St.
Insurance Company Fort Wayne, IN 46802

John Campbell
AVP-DIR Facilities

John Campbell

Adjacent Property Address/Zip
Owners TYPED Name

Signature

NOTICE:

FILING OF THIS APPLICATION GRANTS THE CITY OF FORT WAYNE
PERMISSION TO POST "OFFICIAL NOTICE" ON THE PETITIONED PROPERTY.

FAILURE TO POST, OR TO MAINTAIN POSTING CAN PREVENT THE PUBLIC
HEARING FROM BEING HELD.

This form is to be filed in duplicate.

AGENT:

Design Collaborative, Inc. - Ronald K. Dick, AIA
Name

108 West Columbia Street
Street Address

Fort Wayne, IN 46802
City/State/Zip

(219) 422-4241
Phone

RESOLUTION 81-129-5

WHEREAS, LINCOLN NATIONAL LIFE INSURANCE COMPANY has petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following dedicated alley situated in Fort Wayne, Allen County, to-wit:

The ten (10) foot wide alley running east and west lying south of Lots #25, 26, 27, 28 and 29 in Spencer's Addition, an Addition to the City of Fort Wayne, IN, and lying north of Lots #15, 16, 17 and 18 in Brackenridge Addition, an Addition to the City of Fort Wayne, IN, runs between Webster Street and McClellan Street.

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of the General Assembly of the State of Indiana, Indiana Code Section 36-7-3-12; and,

WHEREAS, notice of such public hearing has been given by due and proper publication thereof;

WHEREAS, said vacation of dedicated alley has been routed through the following departments: Street Engineering, Traffic Engineering, Water Pollution Control Engineering, Electrical Engineering, Park Board and through the Public Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne Board of Public Works that the vacation of said dedicated alley hereinbefore described conforms to the general policy and pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana.

BE IT FURTHER RESOLVED by the Board of Public Works that the vacation of said dedicated alley hereinbefore described be and the same is hereby approved subject to easements as required by all public utilities occupying and using said portion of dedicated alley or part thereof for the vacation and operation of its utility facilities shall not be deprived of said use on account of these proceedings unless any said utilities shall file a written consent to said vacation.


STATE OF INDIANA))
COUNTY OF ALLEN) SS:

I, LINDA BOSKICK, Director of the Board of Public Works, do hereby certify that attached hereto is a full, true and correct copy of a resolution adopted by the Fort Wayne Board of Public Works at their meeting held 8-31-94 and as same appears of record in the official records of the Board of Public Works.

DATED THIS 31 DAY OF AUGUST 1994

FORT WAYNE BOARD OF PUBLIC WORKS

Linda Buskirk
Linda Buskirk
Director of Public Works


C. James Owen
Member, Board of Public Works

RESOLUTION

WHEREAS, LINCOLN NATIONAL LIFE INSURANCE COMPANY has petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following dedicated alley situated in Fort Wayne, Allen County, to-wit:

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all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of the General Assembly of the State of Indiana, Indiana Code Section 36-7-3-12; and,

WHEREAS, notice of such public hearing has been given by due and proper publication thereof; and,

WHEREAS, said public hearing was held on February 21, 1994 at 7:00 P.M. and at such hearing there were no objections of any kind or character which should prevent the vacation of said dedicated alley.

WHEREAS, said vacation of dedicated alley has been routed through the following departments: Street Engineering, Traffic Engineering, Water Engineering, Water Pollution Control Engineering, Street Light Engineering, Park Board and through the Public Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne City Plan Commission that the vacation of said dedicated alley hereinbefore described conforms to the general policy pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana;

BE IT FURTHER RESOLVED by the Fort Wayne City Plan Commission that the vacation of said dedicated alley hereinbefore described be and the same is hereby approved.

BE IT FURTHER RESOLVED no public utility occupying and using said dedicated alley or part thereof for the vacation and operation of its utility facilities shall be deprived of said use on account of these proceedings unless any said utility shall file a written consent to said vacation.

BE IT FURTHER RESOLVED that the action of the Fort Wayne City Plan Commission be forwarded to the proper governing body having jurisdiction of the vacation of said dedicated alley in Allen County, Indiana.

STATE OF INDIANA))
COUNTY OF ALLEN) SS:

I, Carol Kettler Sharp, Secretary of the Fort Wayne City Plan Commission, do hereby certify that attached is a full true and correct copy of a resolution adopted by the Fort Wayne City Plan Commission following a public hearing of said Commission held, February 28, 1994 and as the same appears of record in the official records of said Plan Commission.

DATED THIS 6th DAY OF September 1994

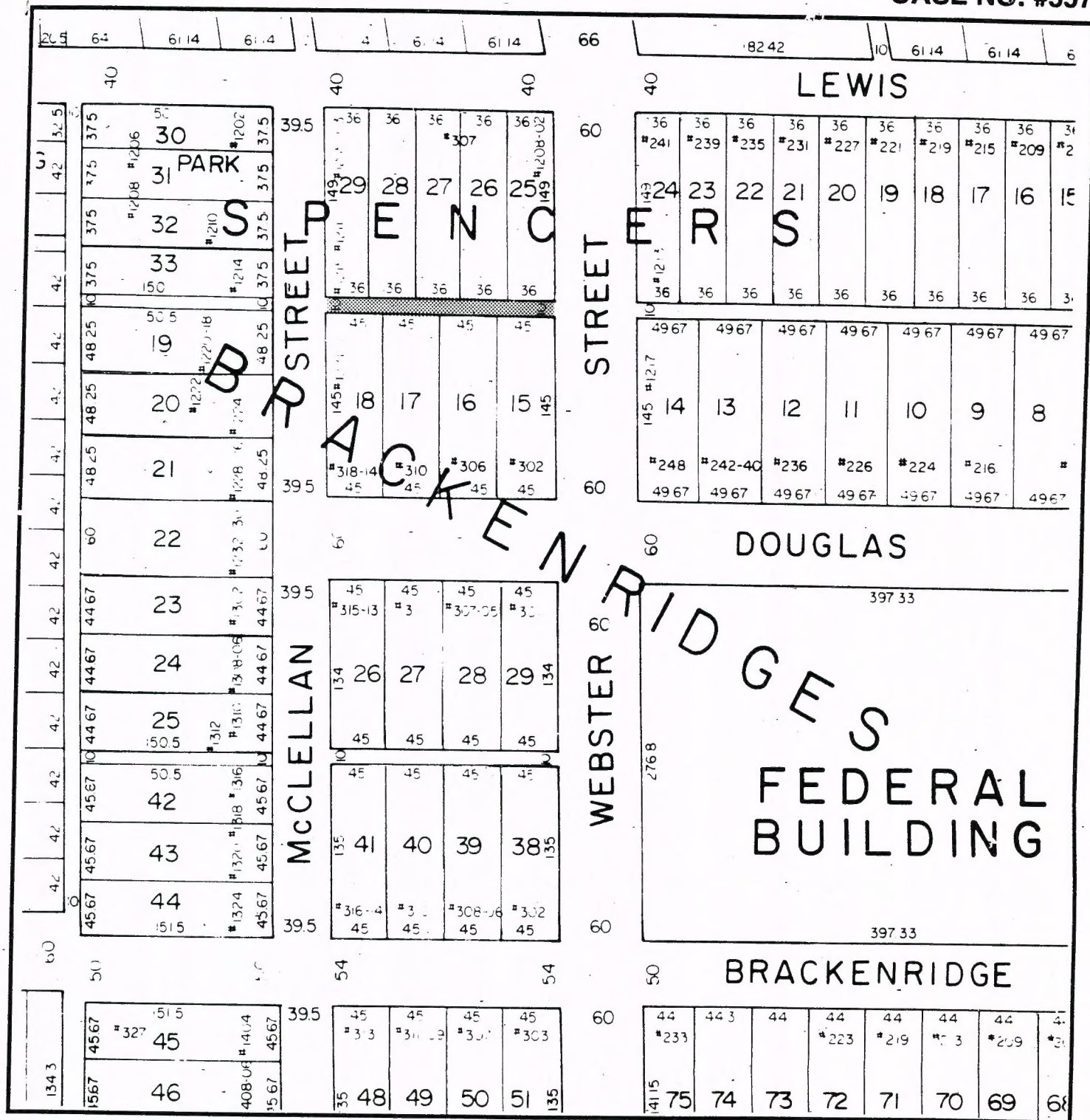
FORT WAYNE CITY PLAN COMMISSION,

Carol Kettler Sharp
Carol Kettler Sharp
Secretary

VACATION PETITION

AREA MAP

CASE NO. #557



COUNCILMANIC DISTRICT NO. 1

Map No. M-2
LW 1-24-94

R1	One-Family	B1	Limited Business	M1	Light Industrial
R2	Two-Family	B2	Planned Shopping Center	M2	General Industrial
R3	Multi-Family	B3	General Business	M3	Heavy Industrial
RA/RB	Residential	B4	Roadside Business	MHP	Mobile Home Park
PUD	Planned Unit Dev.	POD	Professional Office District		

Division of Community Development & Planning

BRIEF TITLE

Alley Vacation Ordinance

APPROVAL DEADLINE

REASON

DETAILS

Specific Location and/or Address

The E/W alley south of Lewis Street; north of Douglas Street, between McClellan and Webster Streets.

Reason for Project

Reuse of the site as a day care facility.

Discussion (Including relationship to other Council actions)

21 February 1994 - Public Hearing

Ron Dick, architect with Design Collaborative, appeared before the Commission. Mr. Dick stated that Lincoln National owns the ground on either side of the alley in question and that the site is currently being used for a parking lot. He stated that they are requesting the vacation in order to facilitate the construction of a day care facility.

Dave Ross questioned if there were any utilities located in the alley.

Mr. Dick stated that there are and that they have had preliminary conversations with WPCE and Water Engineering Departments. He stated that they are aware of the ramifications of what they are doing, with regard to the moving of some of the utilities.

There was no one else present who spoke in favor of or in opposition to the proposed vacation.

POSITIONS

RECOMMENDATIONS

Sponsor

City Plan Commission

Area Affected

City Wide

Other Areas

Applicants/
Proponents

Applicant(s)

Lincoln National Life Ins Co
City Department

Other

Opponents

Groups or Individuals

Basis of Opposition

Staff
Recommendation
☒ For ☐ Against

Reason Against

Board or
Commission
Recommendation

By

☒ For ☐ Against
☐ No Action Taken

☐ For with revisions to conditions
 (See Details column for conditions)
CITY COUNCIL
ACTIONS
(For Council
use only)
☐ Pass ☐ Other
☐ Pass (as amended) ☐ Hold
☐ Council Sub. ☐ Do not pass

TAILS

28 February 1994 - Business Meeting

Motion was made and seconded to return the ordinance to the Common Council with a DO PASS recommendation, contingent upon the petitioners providing utility easements or relocations as needed.

Of the seven (7) members present, six (6) voted in favor of the motion, one (1) did not vote. Motion Carried.

Members Present: Ernest Evans, James Hoch, Thomas Quirk, Dave Ross, Carol Kettler Sharp, Mel Smith, Vicky VerPlanck

Members Absent: Mark GiaQuinta, Charles Layton

POLICY/ PROGRAM IMPACT

Policy or Program Change	<input type="checkbox"/> No <input type="checkbox"/> Yes
Operational Impact Assessment	

(This space for further discussion)

Project Start Date 19 January 1994

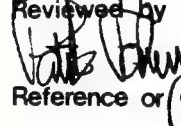
Projected Completion or Occupancy Date 6 Spetember 1994

Patricia Biancaniello

Fact Sheet Prepared by Date 6 September 1994

Reviewed by

Date 6 September 1994



Reference or Case Number

#557

ORIGINAL

ORIGINAL

DIGEST SHEET

TITLE OF ORDINANCE Alley Vacation Ordinance

DEPARTMENT REQUESTING ORDINANCE Land Use Management - C&ED

SYNOPSIS OF ORDINANCE East-West alley south of Lewis Street;
north of Douglas Street, between McClellan and Webster Streets.

12-94-02-05

EFFECT OF PASSAGE Alley is currently dedicated public
right-of-way. Alley would be vacated and revert to the ownership
of the adjacent property owners.

EFFECT OF NON-PASSAGE Alley would remain a dedicated public
right-of-way.

MONEY INVOLVED (Direct Costs, Expenditures, Savings) _____

(ASSIGN TO COMMITTEE) _____

BILL NO. 94-02-05

REPORT OF THE COMMITTEE ON
REGULATIONS
REBECCA J. RAVINE - MARK E. GIAQUINTA - CO-CHAIR
DONALD J. SCHMIDT
JANET G. BRADURY

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS

REFERRED AN (ORDINANCE) (~~RESOLUTION~~) amending the Thoroughfare
Plan of the City Comprehensive ("Master") Plan by vacating an alley thereof

HAVE HAD SAID (ORDINANCE) (~~RESOLUTION~~) UNDER CONSIDERATION
AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID
(ORDINANCE) (~~RESOLUTION~~)

DO PASS

DO NOT PASS

ABSTAIN

NO REC

Rebecca Ravine

Janet G. Bradbury

DR

DATED: 9-27-94

Sandra E. Kennedy
City Clerk

From the desk of:

Pat Biancaniello

AGENT:

Ron Dick
108 W Columbia St
City 02

422-4241



THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ROOM 122 • FORT WAYNE, INDIANA 46802 • 219-427-1221

SANDRA E. KENNEDY, CITY CLERK

September 14, 1994

Ronald Dick
108 W Columbia Street
Fort Wayne, IN 46802

NOTICE OF PUBLIC HEARING ON BILL NO. G-94-02-05

You are hereby notified that the Common Council of Fort Wayne will conduct a public hearing on Tuesday, September 27, 1994, at 5:30 o'clock P.M., in the Common Council Conference Room 128, 1st Floor, City-County Building, One Main Street, Fort Wayne, Indiana, on the following:

The E/W Alley south of Lewis Street; north of
Douglas Street, between McClellan and Webster
Streets - Reuse of the site as a day care
facility

All interested persons are invited to appear and be heard. Any written material may be submitted to the Common Council prior to the hearing.

FORT WAYNE COMMON COUNCIL

Sandra E. Kennedy
City Clerk



THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ROOM 122 • FORT WAYNE, INDIANA 46802 • 219-427-1221

SANDRA E. KENNEDY, CITY CLERK

September 14, 1994

Ms. Connie Lambert
Fort Wayne Newspapers, Inc.
600 West Main Street
Fort Wayne, IN 46802

Dear Ms. Lambert:

Please give the attached full coverage on the date of September 17, 1994, in both the News Sentinel and Journal Gazette.

RE: Legal Notice for Common Council
of Fort Wayne, IN

Bill No. G-94-02-05
Alley Vacation Ordinance

Please send us 3 copies of the Publisher's Affidavit from both newspapers.

Thank you.

Sincerely yours,

Sandra E. Kennedy
City Clerk

SEK/ne

ENCL: 1

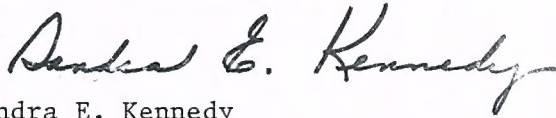
NOTICE OF PUBLIC HEARING
FORT WAYNE COMMON COUNCIL
BILL NO. G-94-02-05

Notice is hereby given that the Fort Wayne Common Council of the City of Fort Wayne, will conduct a public hearing on Tuesday, September 27, 1994, at 5:30 o'clock P.M., in the Common Council Conference Room 128, City-County Building, One Main Street, Fort Wayne, Indiana, more particularly described as follows:

The ten (10) foot wide alley running east and west lying south of Lots #25, 26, 27, 28 and 29 in Spencer's Addition, an Addition to the City of Fort Wayne, IN, and lying north of Lots #15, 16, 17 and 18 in Brackenridge Addition, an Addition to the City of Fort Wayne, IN, runs between Webster Street and McClellan Street.

All interested parties are invited to appear and be heard.

FORT WAYNE COMMON COUNCIL

A handwritten signature in cursive script that reads "Sandra E. Kennedy".

Sandra E. Kennedy
City Clerk

PUBLISHER'S CLAIM

LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of type in which the body of the advertisement is set)
-- number of equivalent lines

Head -- number of lines

Body -- number of lines

Tail -- number of lines

Total number of lines in notice

COMPUTATION OF CHARGES

24 lines, 1 columns wide equals 24 equivalent lines
at .33 cents per line

\$ 7.92

Additional charge for notices containing rule or tabular work
(50 percent of above amount)

Charge for extra proofs of publication (\$1.00 for each proof in excess of two)

1.00

TOTAL AMOUNT OF CLAIM

\$ 8.92

DATA FOR COMPUTING COST

Width of single column 12.5 ems

Number of insertions 1

Size of type 6 point

Pursuant to the provisions and penalties of Chapter 155, Acts 1953,

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Date: SEPT 17, 19 94

Title: Julie L Rohyans Clerk

PUBLISHER'S AFFIDAVIT

State of Indiana)

) ss:

Allen County)

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All interested parties are invited to appear and be heard.

FORT WAYNE COMMON COUNCIL
Sandra E. Kennedy
City Clerk
#694820

9-17

Personally appeared before me, a notary public in and for said county and state, the undersigned JULIE L ROHYANS who, being duly sworn, says that he/she is Clerk of the The News-Sentinel newspaper of general circulation printed and published in the English language in the (city) (town) of Fort Wayne, IN in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for 1 time, the dates of publication being as follows:
9-17-94

Subscribed and sworn to before me this 17th day of SEPT, 19 94.

Mary L Adkison
Notary Public

MARY L ADKISON
NOTARY PUBLIC STATE OF INDIANA
ALLEN COUNTY
MY COMMISSION EXP JUNE 14, 1997

My commission expires:

PUBLISHER'S CLAIM

LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of type in which the body of the advertisement is set)
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TOTAL AMOUNT OF CLAIM

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I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Date: SEPT 17, 19 94

Title: Julie L Rohyans Clerk

PUBLISHER'S AFFIDAVIT

State of Indiana)
) ss:
Allen County)

Personally appeared before me, a notary public in and for said county and state, the undersigned JULIE L ROHYANS who, being duly sworn, says that he/she is Clerk of the The Journal-Gazette newspaper of general circulation printed and published in the English language in the (city) (town) of Fort Wayne, IN in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for 1 time, the dates of publication being as follows:

9-17-94

Subscribed and sworn to before me this 17th day of SEPT, 19 94

Mary L Adkison
Notary Public

MARY L ADKISON
NOTARY PUBLIC STATE OF INDIANA
ALLEN COUNTY

My commission expires: MY COMMISSION EXP JUNE 14, 1997

NOTICE OF PUBLIC HEARING
FORT WAYNE COMMON COUNCIL
BILL NO. G-94-02-05

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All interested parties are invited to appear and be heard.

FORT WAYNE COMMON COUNCIL
Sandra E. Kennedy
City Clerk
#694820

9-17